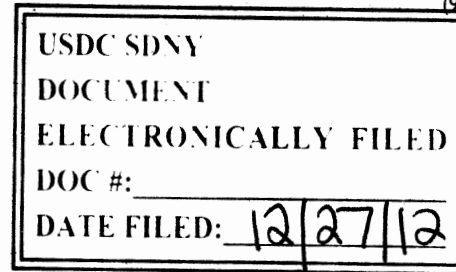


MITCHELL SILBERBERG & KNUPP LLP

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December 21, 2012

VIA EMAIL

Hon. Jesse M. Furman, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Action Front Unlimited, Inc. v. Kowalczyk, Case No. 12 Civ. 5483 (JMF)

Dear Judge Furman:

We are counsel for the Plaintiff and Third Party Defendants in the above-referenced action. We write with the concurrence of all parties to the action, pursuant to the directive in the Court's November 16, 2012 Order to provide an update regarding mediation.

On December 14, 2012, the parties participated in a mediation, at which they attempted, but were unable, to resolve their disputes. (The mediation was originally scheduled for November 1, 2012, but was postponed due to Hurricane Sandy.)

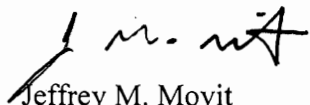
In an effort to conserve resources, the parties previously agreed to defer discovery pending the mediation. Given that it has now concluded, the parties are prepared to proceed expeditiously with the litigation of their claims and defenses, and on this basis respectfully request an extension of the deadline for the conclusion of fact discovery from January 9, 2013 to April 12, 2013. There have been no previous requests for an extension of this deadline. Pursuant to the Individual Practice Rules of this Court, a proposed revised scheduling order is respectfully enclosed herewith.

We appreciate the Court's consideration of this request.

MITCHELL SILBERBERG & KNUPP LLP

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Respectfully submitted,



Jeffrey M. Movit
Attorney-at-Law for
MITCHELL SILBERBERG & KNUPP LLP

JMM/sml

cc: John Rosenberg, Esq. (via email)

Discovery is hereby extended through the conference scheduled for January 10, 2013, at which point the Court will address the request for a further extension.

SO ORDERED.



December 27, 2012